

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Ray Terzich
Mary Kay Terzich
Debtor(s)

Bankruptcy Case No.: 18-22260-CMB
Issued Per Aug. 8, 2019 Proceeding
Chapter: 13
Docket No.: 63 – 49, 58, 59
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 21, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Key Bank (Claim No. 3) shall govern as to claim amount, to be paid at the modified plan terms.
The claim of PNC Bank (Claim No. 8) shall be paid per loan modification [Dkt. No. 56] with payment changes implemented.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 13, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Ray Terzich
 Mary Kay Terzich
 Debtors

Case No. 18-22260-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 37

Date Rcvd: Aug 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2019.

db/jdb
 cr
 +Ray Terzich, Mary Kay Terzich, 1234 Pocono Street, Pittsburgh, PA 15218-1112
 +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 14858078 +Atlantic Credit & Finance Inc., assignee of Capital One, c/o Apothaker & Associates P.C.,
 520 Fellowship Road C306, Mount Laurel, NJ 08054-3410
 14858079 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 14886117 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14858083 +CitiCards CBNA, PO Box 6190, Sioux Falls, SD 57117-6190
 14858087 +DSNB/Macy's, PO Box 8218, Mason, OH 45040-8218
 14880841 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14858084 Discover Bank, c/o Stock & Grimes LP, 21 Yost Blvd., Suite 301,
 Pittsburgh, PA 15221-5283
 14858085 Dollar Bank FSB, 3 Gateway Center West, Pittsburgh, PA 15222
 14858086 +Dollar Bank Visa, P.O. Box 3969, Pittsburgh, PA 15230-3969
 14858090 +Edwin A. Abrahamsen & Associates, 120 North Keyser Avenue, Scranton, PA 18504-9701
 14858091 +FBN Omaha, PO Box 3412, Omaha, NE 68103-0412
 14860616 +First National Bank of Omaha, 1620 Dodge Street, Stop code 3105, Omaha, NE 68197-0002
 14858093 KML Law Group, BNY Mellon Independence Center, 701 Market Street - Suite 5000,
 New York, NY 10106
 14858094 +LVNV Funding LLC, 120 North Keyser Avenue, Scranton, PA 18504-9701
 14858096 +Northstar Capital Acquisition LLC, c/o Apothaker & Associates PC, 520 Fellowship Road, C306,
 Mount Laurel, NJ 08054-3410
 14858098 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14858099 +PNC Bank Mortgage Services, PO Box 8703, Dayton, OH 45401-8703
 14887466 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14868029 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14891200 +Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14887660 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14858080 +E-mail/Text: kbarkley@bernsteinlaw.com Aug 14 2019 02:59:12 Bernstein -Burkley, PC,
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 14858081 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 14 2019 02:51:43 Capital One Bank,
 P. O. Box 30281, Salt Lake City, UT 84130-0281
 14858082 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 14 2019 02:50:59
 Capital One Bank USA NA, 15000 Capital One Drive, Richmond, VA 23286-0001
 14894669 +E-mail/Text: kbarkley@bernsteinlaw.com Aug 14 2019 02:59:12 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14858092 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Aug 14 2019 02:58:51 Key Bank NA,
 4910 Tiedeman Road, Brooklyn, OH 44144-2338
 14894753 E-mail/PDF: resurgentbknofications@resurgent.com Aug 14 2019 02:51:06
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota),,
 N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14893777 E-mail/PDF: resurgentbknofications@resurgent.com Aug 14 2019 03:02:11
 LVNV Funding, LLC its successors and assigns as, assignee of Wells Fargo Financial Bank,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14893776 E-mail/PDF: resurgentbknofications@resurgent.com Aug 14 2019 02:51:50
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14887804 E-mail/PDF: resurgentbknofications@resurgent.com Aug 14 2019 02:51:50
 LVNV Funding, LLC its successors and assigns as, assignee of GE Money Bank,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14894723 E-mail/Text: bkr@cardworks.com Aug 14 2019 02:57:26 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14858095 +E-mail/Text: bkr@cardworks.com Aug 14 2019 02:57:26 Merrick Bank, P.O. Box 9201,
 Old Bethpage, NY 11804-9001
 14885999 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 14 2019 02:58:38 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14858612 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 14 2019 02:50:19
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14858100 E-mail/PDF: gecsedirecoverycorp.com Aug 14 2019 02:50:56 SYNCB/Walmart, PO Box 965024,
 Orlando, FL 32896-5024

TOTAL: 14

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 37

Date Rcvd: Aug 13, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC Bank National Association
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14858088* +DSNB/Macy's, PO Box 8218, Mason, OH 45040-8218
14858089* +DSNB/Macy's, PO Box 8218, Mason, OH 45040-8218
14858097 ##+Nudelman Klemm & Golub, 425 Eagle Rock Avenue, Suite 403, Roseland, NJ 07068-1787
TOTALS: 1, * 5, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on August 13, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC Bank National Association bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Kenneth Steidl on behalf of Debtor Ray Terzich julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Kenneth Steidl on behalf of Joint Debtor Mary Kay Terzich julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 8